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RESOLUTION NO. 11-071

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON 27TH STREET, FROM THE EAST LINE OF GREENWICH TO APPROXIMATELY 100 FEET EAST OF THE SOUTHEAST CORNER OF LOT 5, BLOCK 1 (EAST OF GREENWICH, SOUTH OF 29TH ST. NORTH) 472-84981 IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON 27TH STREET, FROM THE EAST LINE OF GREENWICH TO APPROXIMATELY 100 FEET EAST OF THE SOUTHEAST CORNER OF LOT 5, BLOCK 1 (EAST OF GREENWICH, SOUTH OF 29TH ST. NORTH) 472-84981 IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to authorize constructing pavement on 27th Street, from the east line of Greenwich to approximately 100 feet east of the southeast corner of Lot 5, Block 1 (east of Greenwich, south of 29th St. North) 472-84981 Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to Seven Hundred Eighty-Eight Thousand Dollars (\$788,000) exclusive of the cost of interest on borrowed money, with 100 percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after February 1, 2011, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

GREENWICH BUSINESS CENTER ADDITION

Lots 1 through 18, Block 1

Lots 1 and 2, Block 2

Lots 16 and 17, Block 3

UNPLATTED TRACT A

South Half of the Northwest Quarter of Section 3, Township 27 South, Range 2 East of the 6th Principal Meridian and that part of the Southwest Quarter of Section 3, Township 27 South, Range 2 East lying North & East of the highway taken in condemnation Case 87C 1434.

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a fractional basis.

The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: The UNPLATTED TRACT shall pay 50% of the total cost payable by the improvement district, Lots 1 through 18, Block 1; Lots 1 and 2, Block 2; and Lots 16 and 17, Block 3; GREENWICH BUSINESS CENTER ADDITION shall pay 100% of the total remaining cost payable by the improvement district based on square footage.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set forth herein. Where the ownership of a single lot or tract is or may be divided into two or more parcels, the assessment to the lot or tract so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas, this 5<sup>th</sup> day of April, 2011.

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CARL BREWER, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

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GARY E. REBENSTORF  
DIRECTOR OF LAW